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09/18/2003

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,162

Applicant(s)

HIROTA et al.

Examiner

M. VARGAS

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). (1 sheet) 2/3
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the independent claims 1, 2, 5 and 12, at line 2, the recitation "which are formed almost over at least one surface" is indefinite in that it is unclear exactly what constitutes "which are" and whether such is formed over the entire surface or merely part of the surface. Applicant should amend the claims to recite what is being formed on the surface of the thin-plate article. Also, the meaning of "almost over" should be made clear as to whether such is intended to mean most of the surface (ie, substantially) or rather just a major portion of the surface (ie, almost all). Also, in claims 2 and 5 (last line) and claim 12 (line at page 17, line 11), "is cured with compressed" should be --is cured with/under compression--.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese document 6-114,860.

Japanese -860 discloses the instant process wherein plastic material is supplied to a first molding die onto a plurality of portions of the die, the material having flowability and the die and nozzle

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being relatively moved so that the material is spread over the die surface, and subsequently the second molding die is matched to form the molding cavity and the material is cured under compression. Surface 21A in Fig. 3 shows a Fresnel lens surface as set forth in instant claims 10 and 11.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 6-114,860.

Japanese -860 discloses the basic claimed process lacking essentially the aspect of the article being a diffusion plate with quadrangular pyramid protrusions. It is submitted that such articles are well known in the art and would have been obvious modifications to the lens sheet making process disclosed in the applied reference dependent on the exact optical article desired.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 6-114,860 in view of either of Japanese documents 59-67,008 or 1-85,010.

Japanese -860 discloses the basic claimed process as set forth in paragraph 2, supra, lacking essentially the aspects of first and second molding stations containing the first and second molding dies, the first and second molding stations being adjacent to a material supply station so that after

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material is supplied to the first molding die associated with the first molding station, the same steps are performed on the first molding dies associated with the second molding station. Either of Japanese 59-6708 or 1-85010 show this general arrangement wherein lower molding dies are supplied with resin and afterwards, while such lower die is mated with an upper die, another lower die is supplied with resin. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the process disclosed in the primary reference as generally taught in either of Japanese -008 or -010 to reduce product formation cycle time. It is submitted as either inherent or obvious that the relative movement between the nozzle and the first molding die would tend to level the resin supplied to the die. Leveling rollers are nothing but conventional in the art and would have been obvious features in the process of the primary reference to level the resin and therefore facilitate accurate product formation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

September 15, 2003

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

9/15/03